

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

Amber Dutton-Bynum
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 200044-7611
Tel: (202) 305-0465
Amber.Dutton-Bynum@usdoj.gov

Michelle Ramus
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 200044-7611
Tel: (202) 514-2598
Michelle.Ramus@usdoj.gov

Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DAVIS GONZALES, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, *et al.*,

Defendants.

Case No. 2:24-cv-01629-GMN-DJA

JOINT PROPOSED SCHEDULING ORDER

Pursuant to Civil Local Rule 16-1, the Parties have conferred and negotiated the following agreed proposed scheduling order.

This is a case seeking judicial review under the Administrative Procedure Act (“APA”) as well as declaratory relief. The original Plaintiff Joseph Holley, individually and purportedly

1 on behalf of the Te-Moak Tribe of Western Shoshone Indians (“the Tribe”), filed the original
2 complaint on September 4, 2024. ECF No. 1.

3 Plaintiffs Davis Gonzales, individually and purportedly on behalf of the Tribe, and the
4 Tribe’s Housing Authority (collectively, “Plaintiffs”) filed an Amended Complaint on January
5 6, 2025. ECF No. 59. In the Amended Complaint, Plaintiffs seek this Court’s review under the
6 APA and reversal of the Assistant Secretary-Indian Affairs’ (“AS-IA”) decision issued on
7 November 27, 2024, which resolved consolidated appeals from decisions issued by the Regional
8 Director of the Western Region for the BIA (“Regional Director”) and the Director of the BIA
9 (“Director”). Am. Compl. ¶¶ 123–34. Plaintiffs challenge the AS-IA’s decision recognizing
10 the interim Tribal leadership to conduct the 2024 Tribal elections and determining those
11 elections (which had occurred on October 12, 2024) mooted the appeals. *Id.* at ¶ 127–29. They
12 also challenge the AS-IA’s decision affirming the finding that the Tribe lacked a valid Tribal
13 Court thereby necessitating a transfer of judicial jurisdiction from the Tribal Court to the Court
14 of Indian Offenses (also known as the CFR Court). *Id.* at ¶ 129. On April 7, 2025, Federal
15 Defendants, United States Department of the Interior (“Interior”) and Bureau of Indian Affairs
16 (“BIA”) (collectively, “Federal Defendants”), answered the Amended Complaint. ECF No. 76.

17 As is typical in cases challenging agency action under the APA, the Parties agree that
18 summary judgment merits briefing should follow an initial period in which Federal Defendants
19 provide their administrative record and allow Plaintiffs a period in which to file motions
20 regarding supplementation of the record, whether the Court should consider extra-record
21 evidence, or whether the Court should allow discovery.

22 Because the case should be resolved on summary judgment based on the Federal
23 Defendants’ administrative record, and any other evidence permitted under the applicable
24 standards, following appropriate motions practice on such additional evidence, the Parties do
25 not believe the Court’s standing scheduling order form should apply because it anticipates
26 proceedings such as expert reports and pretrial filings which are not necessary in this case.
27 Instead, the Parties here propose an initial schedule for lodging the administrative record and for
28

1 resolving issues related to the administrative record before the parties begin summary judgment
2 briefing.

3 Therefore, the Parties respectfully request the Court enter the following schedule:

4 **A. Time for Serving Certified Record.**

5 (1) Federal Defendants are to serve the certified administrative record upon Plaintiffs
6 and Defendant McDade and file a Notice of Filing and the Administrative Record
7 with the Court by **June 2, 2025**.

8 **B. Schedule for Briefing on the Scope of the Record.**

9 In the event Plaintiffs file a motion challenging the scope of the administrative record,
10 seeking for the Court to consider extra-record evidence, or seeking discovery:

11 (1) Such motion shall be filed by **July 14, 2025**. The filing of any such motion shall
12 have the effect of vacating the summary judgment briefing schedule set forth below
13 and the parties will propose a new schedule within fourteen days of the Court's ruling
14 on the record/discovery motion.

15 (2) Federal Defendants shall file a response to any record/discovery motion by **July 28,**
16 **2025**.

17 (3) Any reply in support of a record/discovery motion shall be filed by **August 4, 2025**.

18 **C. Schedule for Merits Briefing Absent Motion(s) Challenging the Record.**

19 In the event Plaintiffs do not file a motion challenging the scope of the administrative
20 record, seeking for the Court to consider extra-record evidence or seeking discovery:

21 (1) Plaintiffs shall file their combined motion for summary judgment by **July 30, 2025**.

22 (2) Federal Defendants and Defendant McDade shall each file their respective
23 consolidated cross-motion for summary judgment and response to Plaintiffs'
24 combined motion for summary judgment by **August 29, 2025**. The parties agree to
25 an expanded page limit of 45 pages due to the consolidated briefing.

26 (3) Plaintiffs shall file a consolidated response and reply to each respective consolidated
27 cross-motion for summary judgment by **September 29, 2025**. The parties agree to an
28 expanded page limit of 45 pages due to the consolidated briefing.

(4) Federal Defendants and Defendant McDade shall each file their respective reply in support of their cross-motion for summary judgment by **October 14, 2025**.

Respectfully submitted,

DATED this 20th day of May, 2025.

SEMENZA RICKARD LAW

/s/ Jarrod L. Rickard

Jarrold L. Rickard, Esq., Bar No. 10203
10161 Park Run Drive, Ste. 150
Las Vegas, Nevada 89145

&

JOHN W. MUIJE & ASSOCIATES

John W. Muije, Esq., Bar No. 2419
3216 Lone Canyon Court
N. Las Vegas, NV 89031

Attorneys for Plaintiff Davis Gonzales, et al.

DATED this 20th day of May, 2025.

THE LAW OFFICES OF CHARLES R. ZEH, ESQ.

/s/ Charles R. Zeh

Charles R. Zeh, Esq., Bar No. 1739
Pete Cladianos III, Esq., Bar No. 8406
50 West Liberty Street, Suite 950
Reno, NV 89501

*Attorneys for Plaintiff the Housing Authority of the
Te-Moak Tribe of Western Shoshone Indians of
Nevada*

DATED this 20th day of May, 2025.

ADAM R.F. GUSTAFSON

Acting Assistant Attorney General

/s/ Michelle Ramus

Michelle Ramus

&

Amber Dutton-Bynum

United States Department of Justice
Environment & Natural Resources Division

Natural Resources Section

P.O. Box 7611

Washington, D.C. 200044-7611

DATED this 20th day of May, 2025.

/s/ Steven Joseph McDade

Steven Joseph McDade

TeMoak Prosecutor

PO Box 2568

Elko, NV 89801

Defendant

SIGAL CHATTAH, Nevada Bar No. 8264

United States Attorney, District of Nevada

KARISSA D. NEFF, Nevada Bar No. 9133

Assistant United States Attorney

501 Las Vegas Blvd. So., Suite 1100

Las Vegas, Nevada 89101

Counsel for Defendants

IT IS SO ORDERED.

DATED: 5/22/2025



DANIEL J. ALBREGTS

UNITED STATES MAGISTRATE JUDGE